

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**ERICA SPEARS,**

**Defendant.**

**8:08CR207**

## ORDER

This matter is before the court on the defendant's motion to continue trial [13]. The movant has filed a waiver of speedy trial, as required by [NECrimR](#) 12.1 and/or 12.3. For good cause shown, the court will grant a continuance to November 18, 2008.

**IT IS ORDERED** that the motion to continue trial [13] is granted, as follows:

1. The trial of this matter is continued to **Tuesday, November 18, 2008** at 9:00 a.m. in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Judge Smith Camp will meet with counsel in chambers at **8:30 a.m.** on the first day of trial.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting a continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 9, 2008 and November 18, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflict and because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED August 29, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**